

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-45 were pending prior to the Final Office Action. Claims 2-3, 5-8, 15, 17-18, 20-27, 31, 33-34, and 36-43 have been cancelled. Therefore, claims 1, 4, 9-14, 16, 19, 28-30, 32, 35-45 and 44-45 are pending. Claims 1, 4, 9, 11, 12, 14 and 30 are independent.

FORM 1449 ACKNOWLEDGMENT REQUESTED

It is noted that Applicant has not yet received initialed copies of the PTO-1449 forms for Information Disclosure Statements filed on September 7, 2000 and August 4, 2003. Applicant respectfully requests that such forms be provided.

OBJECTION TO THE SPECIFICATION

The specification is objected to for minor informalities. *See Final Office Action, page 2, item 2.* More specifically, it is alleged that the title of the invention is not descriptive. The title has been amended to address this objection. Applicant respectfully requests that the objection to the specification be withdrawn.

§ 102 REJECTION – KASUYA

Claims 9 and 10 stand rejected under 35 USC 102(e) as allegedly being anticipated by Kasuya (USP 6,134,390). *See Final Office Action, item 4.* Applicant respectfully traverses.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Kasuya fails to teach or suggest each and every claimed element. For example, independent claim 9 recites, in part, “wherein the control part comprises a position single fixing device which fixes, when executing the control based on the view angle correction function, a value of position signal outputted to the controller to a value representing a position of the zoom lens before executing the control based on the view angle correction function.” *Emphasis added.* This feature solves the problem that the position control is initiated for returning the position of the zoom lens to the shut position, in performing the view angle correction after executing the shot function, when it detects that the zoom lens is moved by the view angle correction.

Contrary to the Examiner’s assertion, Kasuya may not be relied upon to teach or suggest at least this function. Kasuya is directed toward reducing or

eliminating change of photo-taking angle of view caused by focusing without necessitating any changes or modifications of the optical and mechanical arrangements of the zoom lens. *See column 1, lines 38-42.* Thus, at best, Kasuya teaches maintaining a constant view angle due to changing of the focus.

However, it is noted that Kasuya is entirely silent regarding the shot function as defined in the claim. Then it logically follows that Kasuya cannot teach or suggest any relationship between the shot function and the view angle correction function. Therefore, independent claim 9 is distinguishable over Kasuya.

Claim 10 depends from claim 9. Therefore, for at least the reasons stated with respect to independent claim 9, claim 10 is also distinguishable over Kasuya.

Applicant respectfully requests that the rejection of claims 9 and 10 based on Kasyua be withdrawn.

§ 103 REJECTION – KASUYA, UCHIDA

Claims 1-4 and 14-45 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Kasuya in view of Uchida (USP 5,929,904). *See Final Office Action, item 6.* In this Reply, claims 2-3, 15, 17-18, 20-27, 31, 33-34, and 36-43 have been canceled thus rendering the rejection moot with regard to

these canceled claims. With regard to claims 1, 4, 14, 16, 19, 28-30, 32, 35 and 44-45, Applicant traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. See *M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See *M.P.E.P. 2142*; *M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, the combination of Kasuya and Uchida cannot be relied upon to teach or suggest all claimed features. For example, independent claim 1 recites, in part “when the zoom lens moves to and stops at a shot position by the control based on the shot function, the control part validates the control based on the view angle correction function.” As noted above, Kasuya does not even contemplate the shot function. Thus, it is clear that Kasuya cannot be relied upon to teach or suggest at least the above recited feature.

Uchida cannot be relied upon to correct for at least this deficiency of Kasuya. More specifically, Uchida is directed toward a camera control method and apparatus for remotely controlling a camera whose image sensing direction and image sensing magnification can be externally controlled. See *column 1, lines 8-13*. It is abundantly clear that Uchida has no concept of a view angle

correction function as defined whatsoever. Then it logically follows that Uchida cannot be relied upon to teach or suggest validation of control based on view angle correction at all.

In the Final Office Action, the Examiner asserts that column 1, lines 60-64 teaches this function. The relied upon portion of Uchida states “second display means for displaying identification data used to identify the image sensing direction data of said camera at a position corresponding to the image sensing direction data of said camera, which is stored in said storage means.” There is no teaching or suggestion of validation of any kind. Thus, even the Examiner’s relied upon portion cannot teach or suggest the above recited feature of claim 4. Therefore, independent claim 1 is clearly distinguishable over the combination of Kasuya and Uchida.

Regarding independent claim 4, it is noted that the claim recites, in part “wherein the control part executes the control based on the limit function prior to the view angle correction function in a case where the zoom lens moves to an outside of a limit position based on the limit function by executing the control based on the view angle correction function.” In other words, the limit function has priority over the view angle correction function in case where the zoom lens moves to a position that is outside of the limit position of the view angle correction function.

Even from a cursory review, it is clear that neither Kasuya nor Uchida may be relied upon to teach or suggest this feature. Indeed, it is noted that the Examiner also appears to realize this deficiency of Kasuya and Uchida. In the Final Office Action, the Examiner took Official Notice that "it is well known of the art to move the zoom lens to a correct position before performing view angle correction." *See Final Office Action, page 7, first full paragraph.*

It appears that the Examiner has misinterpreted the features of the above-recited elements. As noted above, the claimed feature puts priority of limiting the control of the zoom into a preset range over the performing of the view angle correction function. In other words, both the limit function and the view angle correction function may be performed. However, if performing one (such as the limit function) prevents full operation of the other function (such as the view angle correction function), the claim recites that one operation has priority over the other operation.

The Official Notice makes no mention of such priority taking place between two or more functions.

Moreover, to the extent that the Official Notice is taken, Applicant respectfully requests that proper prior art be cited that teaches or suggests the particular feature or set of features.

In any case, it is clear that independent claim 4 is distinguishable over the combination of Kasuya and Uchida.

Regarding independent claim 14, the claim recites in part "wherein the controller is configured to perform the shot function prior to performing the view angle correction function when the shot function is activated." Independent claim 30 also recites a similar feature.

It is clear that neither Kasuya nor Uchida may be relied upon to teach or suggest at least this feature. Indeed, the Examiner has admitted this to be so. *See Final Office Action, page 8, last full paragraph.* And again, the Examiner took Official Notice to make up for these deficiencies of Kasuya and Uchida.

Again, as noted above, the Examiner appears to have misinterpreted claim 14. Also, to the extent that the Official Notice is taken for one or more features, it is respectfully requested that prior art be provided. In any case, it is clear that independent claims 14 and 30 are distinguishable over Kasuya and Uchida.

Claims 16, 19, 28-30, 32, 35, and 44-45 depend from independent claims 14 or 30 directly or indirectly. Therefore, for at least the reasons stated with respect to claims 14 and 30, the dependent claims are also distinguishable over the combination of Kasuya and Uchida.

These dependent claims are also distinguishable on their own merits. For example, claim 16 recites, in part "wherein the zoom lens moving rate of the zoom lens decreases at a proximity of a limit position." Claim 32 recites a

similar feature. It is clear that neither Kasuya nor Uchida teaches or suggests at least this feature.

Claim 19 recites, in part “wherein the controller is configured to restrict the movement of the zoom lens to a preset range when performing the view angle correction function when the limit function is activated.” Claim 35 recites a similar feature. It has been shown above that neither Kasuya nor Uchida may be relied upon to teach or suggest at least this feature.

Further, claim 28 recites in part “a limit function setting device configured to set at least one of a telephoto limit and a wide photo limit” and claim 29 recites, in part “wherein the at least one of the telephoto limit and the wide photo limit is manually settable.” Claims 44 and 45 recite similar features. It is clear that neither Kasuya nor Uchida teaches or suggests citing limits of any sort.

For at least the reasons stated above, it is respectfully requested that the rejection of claims 1, 4, 14, 16, 19, 28-30, 32, 35 and 44-45 based on the combination of Kasuya and Uchida be withdrawn.

§ 103 REJECTION – YU, KASUYA

Claims 11-13 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Yu (USP 5,434,621) in view of Kasuya. *See Final Office Action, item 7.* Applicant respectfully traverses.

Independent claim 11 recites, in part “wherein the controller has a limit function ... for restricting a moving range of the zoom lens.” Contrary to the Examiner’s assertion, Yu cannot be relied upon to teach or suggest at least this feature.

In the Final Office Action, the Examiner alleges that column 5, lines 20-25 may be relied upon to teach or suggest this restricting feature. However, the relied upon portion states “ROM 70 stores data for a plurality of zoom track lines shown in Figure 4. Preferably, the counted amount of zoom motor 91, corresponding to the position of zoom lens 11 and the counted value of AF motor 101, corresponding to the position of the focus lens, indicates the optimal focus state.” Clearly, there is no contemplation of limit setting of any sort in the relied upon portion of Yu.

Then it follows naturally that Yu cannot teach or suggest a limit position determining device nor a restricting device as recited. Kasuya has not been, and indeed cannot be, relied upon to correct for at least these deficiencies of Yu.

Independent claim 12 also recites the feature of the controller having a limit function for restricting a moving range of a zoom lens, a limit position determining device, and a restricting device similar to claim 11 above. It has been shown above that neither Yu nor Kasuya may be relied upon to teach or suggest these features.

In addition, claim 12 also recites a position signal fixing device. Again, neither Yu nor Kasuya can be relied upon to teach or suggest this feature. Therefore, claim 12 is also distinguishable over the combination of Yu and Kasuya.

Claim 13 depends from independent claim 12. Thus, claim 13 is also distinguishable over the combination of Yu and Kasuya for at least the reasons stated with respect to independent claim 12.

Claim 13 is also distinguishable on its own merit. For example, claim 13 recites, in part “where the position signal fixing device fixes the position signal, the control part executes a control for moving the zoom lens based on the control signal and the position signal fixing device returns the position signal to a value indicating an actual position of the zoom lens.” It is clear that neither Yu nor Kasuya teaches or suggests this feature.

For at least the reasons stated above, Applicant respectfully requests that the rejection of claims 11-13 based on Yu and Kasuya be withdrawn.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg.

No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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